

REMARKS

Claims 1-14 and 20-29 remain pending in the application. Claims 15-19 are cancelled. Applicant respectfully requests reconsideration of all pending claims in light of the amendments and remarks presented herein.

Claim Rejections - 35 USC § 112

Claims 1-14 and 20-29 were rejected under 35 U.S.C § 112 first paragraph for failing to comply with the written description requirement. The Office Action avers that the claims add new matter that would not have been obvious to one of ordinary skill in the art at the time the invention was made. (Office Action, Paragraph 4). To advance prosecution of the application, Applicants have deleted the alleged new matter from the claim language. Accordingly, Applicants respectfully requests that this rejection be withdrawn.

The Office Action also avers that the amendments to the specification in Applicants' response to the previous office action were improper. (Office Action Paragraph 5). To advance prosecution of the application, Applicants have removed the alleged improper amendments.

Claim Rejections - 35 USC § 102

Claims 1-2, 4-6, 8-14 and 20-29 were rejected under 35 USC § 102(b) as being anticipated by U.S. Publication No. 2003/0050982 to Chang. Applicants respectfully traverse.

Each of the rejected claims has a step that is not disclosed or suggested by the Chang. Specifically, each of the claims recites a step that must be performed without using a time or a date. Applicants submit that each of these steps is not disclosed or suggested by Chang:

[1] searching for an event profile corresponding to the event wherein the (means for) searching is done (is adapted to search) without using a time or date.

[2] matching without using a time or date, the content with the event and the description information.

[3] receiving content without a date or a time relating to the event from one of the plurality of participants.

[4] associating the content with the event when the at least one attribute related to the event matches the at least one attribute related to the content, wherein the attribute is not a time or a date.

The Office action asserts that all of these steps may be found in Chang paragraphs 12-16. (Office Action, Page 4, Lines 4-6; Page 6, Lines 4-6, 17-18; and Page 8, Line 14). Applicant respectfully disagrees.

Chang's disclosure is directed entirely to the automatic annotation of data with a time value (indicator). (Chang, Abstract, Paragraph 1). This is evident from the text and every one of Chang's figures. Figure 1 shows four different devices 100, 102, 104, 106 each having an associated timer 108, 110, 112, 114. Chang teaches that each of the timers 108, 110, 112, 114 may be either integrated in the respective device 100, 102, 104, 106 or that the timers 108, 110, 112, 114 may be embodied as circuits that receive timing data from an external source clock source. (Chang, Paragraph 10). Nowhere, does Chang disclose or suggest that a time or a date is not needed. To the contrary, Chang teaches that his invention is specifically directed to annotating data with a time value. (Chang, Paragraph 1).

Figures 2 and 3 also expressly recite the steps of acquiring a time stamp 202, 302 and sending the time stamp to a calendar 204, 304. Chang teaches that the time stamp is acquired 202, 302 from an internal clock and that the time stamp information (time) is then sent to a calendar. (Chang Paragraph 14 and 22). Nowhere, does Chang disclose or suggest that the step of acquiring a time stamp 202, 302 or sending the time stamp to a calendar 204, 304 is not needed. To the contrary, Chang teaches that his invention is specifically directed to annotating data with a time value. (Chang Paragraph 1).

Figure 4 shows a machine 400 having remote devices 414 and 416. Chang teaches that the remote devices 414, 416 have a remote clock source to identify when the recording device was operating. Again, nowhere does Chang disclose or suggest that a time is not needed. To the contrary, Chang teaches that his invention is specifically directed to annotating data with a time value. (Chang, Paragraph 1).

Response to Arguments

Applicant recognizes that a similar patentability argument was made in the previous Office Action response. In response to Applicant's arguments, the Office Action avers that while Chang uses "time stamp information" to inspect for calendar entries and that this information is also inspected based on "the user of the recording device". (Office Action, Paragraph 14).

Applicant notes that each claim step recited above in [1], [2], [3] and [4] expressly requires the step to be performed without the use of a time or a date. Thus, even if Chang uses both "time stamp information" and "the user of the recording device" to inspect calendar entries, Chang does not anticipate the recited claim steps because Chan teaches that the Chan inspection is done using a time or a date.

Applicant notes that the disclosed Chang's devices and methods all require a time or a date. Thus Chang's devices 100, 102, 104, 106 require a timer 108, 110, 112, 114. Similarly, Chang's methods each require the acquisition of a time stamp 202, 302. In contrast, Applicant's invention works without a date or a time. No timer or time stamp is needed. Thus Applicant's invention is compatible with devices that do not have timers and Applicant's methods do not require the step of acquiring a time stamp. Many devices, such as some types of digital cameras, video cameras and audio recorders often do not have timers and do not have a time stamp acquisition capability. Such devices may be compatible with Applicant's invention, even though they clearly cannot be compatible with Chang's device and method because Chang's device and method requires a date or a time.

Claim Rejections - 35 USC § 103

Claims 3 and 7 were rejected under 35 USC § 102(b) as being unpatentable over Chang in view of U.S. Publication Number 2004/0135904 to Shiota. Applicant respectfully traverses.

Shiota's invention is directed to an image sorting method, device and program that sorts image data by date/time and associates the image data with an event by date/time. (Shiota, Title and Abstract). Specifically, Shiota teaches that date/time data are attached to a camera's 5 image data. (Shiota, Figure 1, Paragraph 48). Shiota also teaches that an event database (DBe) stores the date/time data along with the image data. (Shiota, Figure 1, Paragraph 54). Shiota provides two examples of a data structure for storing date/time information along with camera data in the event database. (Shiota, Figures 2, 3, Paragraph 35, 36). The data structure examples include a year/month/day field and day/time field that correspond to an event. (Shiota, Figure 1, 2, Paragraph 54). Nowhere, does Shiota disclose or suggest that a time or date is not needed. To the contrary, Shiota teaches that the captured time/date is used by the event data base to associate image data with an event. (Shiota, Abstract, Figures 1-3, Paragraphs 48, 54).

Thus, Shiota like Chang fails to disclose or suggest the step of searching for an event profile corresponding to the event wherein the searching is done without using a time or date making claims 3 to 7 patentable over Chang in view of Shiota. Accordingly, Applicants respectfully requests that this rejection be withdrawn.

Claim Amendments

Applicants have included new claim amendments that expressly exclude time and date. Time and date are alternative elements that are positively recited in the specification. (See for example Application, page 10, line 13 – Page 11, Line 3). In this exemplary passage, the elements of time and date are used in one embodiment while the elements of content, location, device entity, and participant are used in alternative embodiments. As the Office Action explains in paragraph 4, alternative elements positively recited in the specification may be explicitly excluded in the claims.

CONCLUSION

Applicants submit that all pending claims are now in condition for allowance and a Notice of Allowance is respectfully requested.

Applicants also request that if any rejection of any claim is to be maintained that the particular parts relied on to make the rejection be designated as required by 37 C.F.R. § 1.104 (c) (ii).

Respectfully submitted,

Dated: May 19, 2008

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